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February 1, 2010

The Honorable Lawrence P. Zatkoff
United States District Judge
United States District Court, E.D. Michigan
Federal Building
200 E. Liberty Street
Ann Arbor, Michigan 48104

The Honorable Mona K. Majzoub
United States Magistrate Judge
United States District Court, E.D. Michigan
Theodore Levin U.S. Courthouse
231 W. Lafayette
Detroit, Michigan 48226

Via Electronic Filing (ECF)

Re: Murray v. Geithner et al., Case No: 08-15147/Motion to Compel

Dear Judge Zatkoff and Magistrate Judge Majzoub:

On December 14, 2009, we filed a Motion to Compel the deposition of Defendant Geithner in the above-referenced matter on behalf of Plaintiff (Doc #31). On December 21, 2009, the Court referred the Motion to the Honorable Mona K. Majzoub, United States Magistrate Judge (Doc #32). On December 29, the Court set an oral argument date of February 8, 2010 and a deadline of February 1 for the Joint Statement of Resolved and Unresolved Issues (Doc #34).

The matter has been fully briefed.

On January 28, 2010, the Court issued an order adjourning the oral argument on the motion and the filing of the Joint Statement without date (Doc #39).

Plaintiff intends to file a Motion to Compel on documents formally requested by Plaintiff and withheld by Defendants who have argued that Plaintiff's document request is either not relevant or privileged. Plaintiff strongly disagrees with Defendants' position. The parties' counsel have made numerous efforts to resolve the matter without motion but there is a fundamental disagreement on the issues involved.

However, in light of the Court's recent order canceling both the oral argument and the Joint Statement without date on the Motion to Compel, Plaintiff seeks guidance from the Court since Plaintiff does not wish to burden the Court or to waste valuable resources filing a motion to compel that might be moot. We note, of course, that there are several motions pending, including Defendants' Motion for Certificate of Appealability pursuant to 28 USC 1292(b) (Doc #20) and Plaintiff's Motion for Leave to File First Amended Complaint (Doc #26), which might affect the pending Motion to Compel and our planned motion to compel.

Thank you for the Court's indulgence.

Sincerely,

LAW OFFICES OF DAVID YERUSHALMI, P.C.

/s/ David Yerushalmi
David Yerushalmi, Esq.

THOMAS MORE LAW CENTER

/s/ Robert J. Muise, Esq.

CERTIFICATE OF SERVICE

I hereby certify that on February 1, 2010, a copy of the foregoing Letter to the Honorable Lawrence P. Zatkoff and Mona K. Majzoub was filed electronically. Notice of this filing will be sent to all parties for whom counsel has entered an appearance by operation of the Court's electronic filing system. Parties may access this filing through the Court's system. I further certify that a copy of the foregoing has been served by ordinary U.S. mail upon all parties for whom counsel has not yet entered an appearance electronically: None.

LAW OFFICES OF DAVID YERUSHAMI, P.C.

/s/ David Yerushalmi
David Yerushalmi, Esq.